GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services- Andhra Pradesh Reorganization Act, 2014 - Enhancement of age of superannuation to the employees working in the Institutions included in the IX and X schedules of A.P. Re-organization Act, 2014 – Orders-Issued.

Finance (HR.IV-FR) Department

G.O.MS.No. 102 Dated: 27-06-2017
Read the following:-

1. The Andhra Pradesh Re-organization Act, 2014.
2. The Andhra Pradesh Public Employment (Regulation of Age of superannuation) (Amendment) Act, 2014 (Act No.4/2014).
3. G.O.Ms.No.147, Finance (HR.IV-FR) Department, dated.30.06.2014.
4. G.O.Ms.No.112, Finance (HR.IV-FR), dated.18.06.2016.
5. Judgement of Hon'ble High Court in WP No.18205 and other of 2014 dated.07.03.2017.
6. Representation from the A.P. Public Sector Employees Federation, dated.21.03.2017.

ORDER:

In pursuance of the provisions of the Andhra Pradesh Public Employment (Regulation of Age of superannuation) (Amendment) Act, 2014 (Act No.4/2014) orders were issued in the G.O third read above enhancing the age of superannuation from 58 years to 60 years to the State Government employees. In the G.O fourth read above orders were issued that the enhanced age of superannuation cannot be made applicable to the employees of the Public Sector Undertakings and Institutions listed in the Ninth and Tenth Schedules of A.P. Reorganization Act, 2014 until the matter of division of assets and liabilities of the Institution between the states of Andhra Pradesh and Telangana, is settled and the allotment of the employees between the two states is finalized for these Public Sector Undertakings/Institutions. The above instructions were issued at it was considered that the Government would be in a position to take a policy decision on the matter only after such process of demerger is completed in all respects. Therefore, Government issued orders in G.O fourth read above

keep in an abeyance all the orders issued, if any, by any Department or Public Sector Undertakings / Institutions.

2. Aggrieved by the above orders of the Government certain employees working in the institutions listed in the IX and X schedule of the A.P. Re-organization Act, 2014 have filed W.Ps in the Hon'ble High Court pleading for enhancement of age of superannuation to them on par with the Government Employees. In the reference 5th read above, the Hon'ble High Court while setting aside the orders issued by the Government in the reference 4th read above, passed the following orders:

> " The earlier G.Os were issued by the Government of A.P. without these legal entities amending its rules/regulations/byelaws, governing the age of superannuation and without the prior approval of the sole/majority shareholder i.e., the State Government as required under the Articles of Association/byelaws of these legal entities. As the Rules and Regulations, by which the petitioners are governed, stipulate 58 years as the age of retirement, these employees cannot claim any right to continue in service till they attain the age of 60 years. It is only if the request of these Companies/Corporations/Societies, for amendment of its byelaws/rules and regulations, are approved by the State Government, and the rules/byelaws/regulations are amended thereafter in accordance with law, would their employees then be governed by the enhanced age of superannuation prescribed under the Rules/bye-laws.
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> Since the Board of Directors/Managing Committees of these wholly or substantially government owned Companies/ Corporations/Societies have submitted proposals, the State Government is obligated to consider the request of each of these corporations/ companies/ societies separately, based on their financial position, genuineness of their need to enhance the age of superannuation etc, and then take a decision whether or not their request, to enhance the age of superannuation of their employees from 58 to 60 years, should be approved. Suffice it, if the Government of A.P. is directed to consider the proposals submitted by each of these corporations/societies/ companies, for enhancement of the age of superannuation from 58 to 60 years in accordance with law, and take a decision thereupon at the earliest, in any event not later than four months from the date of receipt of a copy of this order. "

3. In the reference 6th read above, the Association for Andhra Pradesh Public Sector Undertakings in their representation dated:21.03.2017 has requested to extend the provisions of the G.O.Ms.No.147, dated.30.06.2014 with effect from 02.06.2014 as per the judgement of the Hon'ble High Court in various Writ Petitions.

4. Government after careful examination of the matter hereby accord to give in principle approval to enhance the age of superannuation of employees working in the institutions listed in IX and X Schedule Institutions subject to the following conditions:

1. The specific decision to enhance the superannuation age from 58 to 60 years to their employees shall be taken by the Board of Directors/Managing Committees of these legal entities.

2. While doing so, these Institutions shall take into consideration their financial position and genuineness of their need to enhance the age of superannuation.

3. In case of Residential Education Societies, the decision should be based on the genuineness of their need and assessment of performance of these societies.

5. These orders shall come into force prospectively from the date of issue of the orders by competent authorities after amending the relevant regulations/bye-laws.

6. Any order issued by any department which is repugnant to this order shall be deemed to have been modified or superseded to the extent of repugnancy.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADEH)

MUDDADA RAVICHANDRA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
All Special Chief Secretaries / Principal Secretaries / Secretaries to Government.
All the Departments of Secretariat.
All the Heads of Departments.

All the Managing Directors/Chief Executive Officers of PSUs
All the Officers of the Finance Department.
The Principal Secretary to Governor, Andhra Pradesh, Hyderabad.
Copy to:
The Chief Secretary to the Government of Andhra Pradesh.
The Principal Secretary to the Chief Minister and Private Secretaries to all Ministers.
The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.
Copy to SF/S.Cs.

//FORWARDED::BY ORDER//

SECTION OFFICER